

## Constitution Revision Committee

The following Amendments to the Constitution will be submitted for approval to the 2008 Annual Convention of Delegates. THESE ARE PROPOSALS ONLY. Per Article XI, Section 2 of the Constitution, amendments require a two-thirds vote of the convention delegates present and voting at the ACoD. Those proposals receiving a favorable vote will be considered an amendment to the ASFA Constitution and By-Laws. Such amendments will be published in the first available issue of FAN following the 2008 ACoD and will go into effect on January 1, 2009. CRC: Michael Ferris (Chair), Jack Downing, Russ Jacobs, Jeff Lipps, and Dana Moran.

New wording is underlined; deleted wording is ~~struck out~~.

### PROPOSAL #1

#### Article IV – Conventions, Meetings, Delegates, and Voting

##### Section 5. Board of Directors Meetings

- (a) ~~Regular meetings of the Board of Directors shall be held at least twice each fiscal year at such time and place as may be delegated by the Board of Directors. Written notice of each such meeting shall be mailed by the Corresponding Secretary at least thirty (30) days prior to the date of the meeting. The Board of Directors shall meet in person at least once each fiscal year at such time and place as may be designated by the Board of Directors. Notice of each such meeting shall be given by the Corresponding Secretary at least thirty (30) days prior to the date of the meeting.~~ The quorum for such a meeting shall be a majority of the Board of Directors.

##### Section 6. Special Board of Directors Meetings

Special meetings of the Board of Directors may be called by the President, and shall be called by the Corresponding Secretary upon receipt of a written petition signed by at least one half of the members of the Board. The petition shall state the date (at least 45 days after the date of the petition), location and purpose of such special meeting and no other Association business shall be transacted thereat. ~~Written notice of such a meeting shall be mailed by the Corresponding Secretary at least thirty (30) days prior to the date of the meeting. Notice of each such meeting shall be given by the Corresponding Secretary at least thirty (30) days prior to the date of the meeting.~~ The quorum for such a meeting shall be a majority of the Board.

*Rationale.* The ASFA Board does much of its business online; thus it is sometimes unnecessary to hold two face-to-face meetings per fiscal year. The CRC recommends that this proposal be ACCEPTED.

### PROPOSAL #2

#### Article IV – Conventions, Meetings, Delegates, and Voting

##### Section 7. Regional Meetings

At least once a year, the Regional Director shall organize and preside over a Regional Meeting in his/her region. Each club delegate in the region shall be advised of the date and location and nature of the items to be discussed (if known) at least thirty (30) days prior to the scheduled Regional Meeting. The Regional Director, with agreement from a majority of clubs in his/her region, may choose to hold the Regional Meeting in an electronic format. Should a Regional Meeting be held in this manner, all Regional Meeting delegates must have available to them the technology used to host the meeting. The quorum for ~~such a meeting shall be a simple~~ a Regional Meeting shall be a majority of the member clubs within the region.

*Rationale.* Often, it is not practical for all member clubs of a Region to convene in person for a meeting; an electronic meeting would ease the burden of traveling great distances and would increase the likelihood of a quorum being reached. The CRC recommends that this proposal be ACCEPTED.

## **PROPOSAL #3**

### **Article IX – Discipline**

*Replace the existing Article IX in its entirety with the following (not underlined to assist in reading):*

**Section 1.** Any club, individual, or the ASFA Board of Directors may prefer charges against (a) any individual convicted of animal cruelty or other comparable charges relating to the mistreatment of animals; or (b) any individual or club for misconduct prejudicial to the best interests of the ASFA, mistreatment of any sighthound, or unsportsmanlike conduct, provided that such misconduct, mistreatment, or unsportsmanlike conduct must have occurred on the trial premises during the trial hours of an ASFA-sanctioned lure trial, as to any charges preferred against non-ASFA officials. Charges preferred against ASFA officials can relate to conduct off the trial premises and outside of trial hours so long as such ASFA officials were then acting in their capacity and such misconduct directly affects the property, interests or reputation of the ASFA.

**Section 2.** Unsportsmanlike conduct may involve different types of conduct and is therefore not confined to a single definition, but in general, means conduct contrary to fair play or the rules and spirit of the sport of lure coursing. One test for determining such conduct is whether a family attending its first lure trial would be likely to decide, after witnessing such conduct, that the sport is not for them. Unsportsmanlike conduct may include, but is not limited to, public demonstrations of dissatisfaction with a judge's scoring or decision, abusive or foul language in public, verbal or physical abuse directed to any member of the field committee or to another exhibitor, refusal to follow a field committee member's proper instruction, or attempting to improperly influence or intimidate a judge in his or her scoring or decision.

**Section 3.** Written charges with specifications must be filed with the Corresponding Secretary together with a deposit of \$50, which shall be forfeited if such charges are not sustained by the Board following a hearing. Upon the making of such charges, the Corresponding Secretary and the President, in consultation with the Board, will then appoint an Investigating Committee consisting of the Corresponding Secretary (unless he or she is disqualified by a conflict of interest) and two other Board members (three in the case of the Corresponding Secretary being disqualified), which shall first review the charges and the evidence available to them. After considering all available evidence, the Investigating Committee shall determine whether there is probable cause to believe that conduct within the jurisdiction of ASFA discipline, as set forth in Sections 1 and 2, above, has occurred, and shall advise the Board should it determine the Board as a whole should entertain jurisdiction of the charges and hold a hearing. Such determination is non-binding on the Board, as a whole, and the Board specifically retains the right to decline to entertain jurisdiction and dismiss the charges as outside of the jurisdiction of ASFA discipline, at any time before, during or after a hearing on the matter is held. In that regard, the Board shall have available to it, as needed, all materials utilized by the Investigating Committee in making its determination.

**Section 4.** For those matters in which an Investigating Committee concludes the Board as a whole should entertain jurisdiction and hold a hearing, the Board shall fix a date of a hearing at the next regular Board meeting not less than six (6) weeks thereafter. The Corresponding Secretary shall promptly send one (1) copy of the charges and any documents accompanying the charges to the accused defendant by registered mail together with a notice of the hearing and information regarding the hearing procedure as set forth in Section 5, below.

**Section 5.** The complainant and the accused may each appear before the Board during the hearing. Such appearance may be in person or by written submission, or both. Each party is permitted to utilize the assistance of an attorney during the disciplinary process. Such attorneys will be permitted to appear in an advisory or representative capacity at the hearing. The hearing shall be held by closed executive session of the Board unless both parties agree that it will be open. Deliberations of the Board on the charges after the close of the hearing will be in executive session unless the Board, by simple majority vote of the Board, agrees that the deliberations will be open. Before, during, or after those deliberations, the Board may, by simple majority vote, find that the conduct charged is outside the jurisdiction of ASFA discipline as set forth in Sections 1 and 2, above, and end its deliberations.

**Section 6.** It shall require a two-thirds majority vote of those Board members present at the hearing to sustain charges against a club or individual. If charges are sustained, the Board may, by a two-thirds majority vote of those Board members present, suspend the accused from any or all ASFA privileges as set forth in Sections 11 and 12 below for a finite period following the date of the hearing. In such cases, the suspension shall not restrict the right of the accused to appear before the ensuing Annual Convention of Delegates, as set forth in Section 8, below.

**Section 7. Findings of the Board.**

- (a) Within 24 hours of the Board's decision on the charges, its findings shall be put in written form and shall contain findings of fact setting forth specifically the facts on which the Board based its decision. Should the Board rule against the accused, the findings shall include the basis for the Board's decision that the charged conduct occurred and is within the jurisdiction of ASFA discipline as set forth in Sections 1 and 2, above.
- (b) Should the Board rule against the accused, the Board's findings shall also set forth the specific ASFA privileges from which the accused is suspended and when the suspension begins and ends. In the event the Board decides an individual's loss of any or all of the privileges list in Section 12 shall be extended to affect a hound's status in ASFA events, such discipline shall not exceed the duration of the individual's discipline and shall be limited to those hounds solely owned by the individual at the time the charges are sustained; those solely owned hounds subsequently obtained by the individual during the period of suspension; those hounds co-owned by the individual where the co-owned hounds reside in the individual's residence at the time charges are sustained; and/or those co-owned hounds subsequently obtained by the individual during the period of suspension where the co-owned hound resides in the individual's residence.
- (c) The Board's findings will be filed with the Recording Secretary and entered in the official records of the ASFA, and will be made available to member or affiliate clubs and members of the lure coursing fancy upon request. Upon the filing of the written findings with the Recording Secretary, the Corresponding Secretary shall send a copy of the written findings to the complainant and the accused, and otherwise notify them of the Board's decision and penalty, if any.

**Section 8. Rights of appeal.**

- (a) The accused shall have the right to appeal the Board's decision to the Board and/or the next Annual Convention of Delegates, as to either the decision on the charges or the penalty imposed. The "next Annual Convention of Delegates" for purposes of this Section shall be either the Convention immediately following the Spring Board meeting at which discipline was imposed, or the Convention the following calendar year, at the election of the accused.
- (b) The accused shall file the appeal by written letter to the Corresponding Secretary postmarked not more than 30 days following the date that the Corresponding Secretary sends the Board's findings to the accused. The appeal shall designate whether it is addressed to the Board, the Annual Convention of Delegates, or both. The appeal may seek reversal of the decision on the charges, rescission or modification of the penalty, or both.
- (c) The accused may appear before the Board or the Annual Convention of Delegates in person or by written submission, and may be assisted in a representative or advisory capacity by an attorney.
- (d) No new evidence shall be presented to or considered by the Board or the Annual Convention of Delegates on an appeal, but either body may consider evidence submitted during the original hearing before the Board.
- (e) The Board or the Convention may, by simple majority vote, reverse the original decision of the Board as to the charges, or may eliminate or modify the penalty imposed by the Board.

**Section 9.** Host clubs that fail to meet and comply with the *Running Rules and Field Procedures for Lure Field Trials* are subject to suspension of any or all ASFA privileges for clubs, or to a fine, or both, as may be deemed appropriate by the Board of Directors. Clubs so sanctioned have the rights of appeal set forth in Section 8, above.

**Section 10.** Individuals or clubs with outstanding debts to the ASFA are subject to suspension of any or all ASFA privileges by the Board of Directors.

**Section 11.** Club ASFA privileges shall be defined as follows:

- (a) Eligibility to hold ASFA-sanctioned lure trials;
- (b) Voting on any and all matters of the ASFA;
- (c) Eligibility to nominate candidates for any position on the ASFA Board of Directors;
- (d) Being represented by a voting delegate at the Annual Convention of Delegates or any Special Convention of Delegates;
- (e) Being represented by a voting delegate at a Regional Meeting or any Special Regional Meeting.

**Section 12.** Individual ASFA privileges shall be defined as follows:

- (a) Being a member of the Board of Directors;
- (b) Representing a club as a club delegate, regional meeting delegate, or convention delegate;
- (c) Being a member of an ASFA committee;
- (d) Acting as a member of the Field Committee, including judging;

- (e) Handling a hound at an ASFA-sanctioned lure trial, including presenting the hound for inspection and slipping the hound;
- (f) Having a solely-owned hound entered in an ASFA-sanctioned lure trial;
- (g) Having a co-owned hound entered in an ASFA-sanctioned lure trial;
- (h) Having points or placements recorded that are earned by any solely-owned hound;
- (i) Having points or placements recorded that are earned by any co-owned hound.

**Section 13.** ASFA officials as used herein shall include:

- (a) Then current members of the ASFA Board of Directors;
- (b) Then current members of Article VII Committees, both standing and special, if any;
- (c) Then current ASFA contract employees;
- (d) Current holders of any other position appointed by the ASFA Board;
- (e) ASFA judges;
- (f) Persons then holding one or more of the positions designated in Chapter II of the *Running Rules and Field Procedures for Lure Field Trials* in connection with an ASFA-sanctioned lure trial.

*Rationale:* This new Article is very explicit in describing the ASFA disciplinary process, including where ASFA's jurisdiction lies and what privileges are at stake. This proposal was originally offered at the 2007 ACoD, where it was rejected. The ACoD subsequently voted to reconsider it in its entirety in 2008. The CRC recommends that this proposal be ACCEPTED.

**Note:** The following two proposals are amendments to the above Proposal #3; they shall only be offered if that proposal passes.

**PROPOSAL #4**

**Article IX – Discipline**

**Section 1.** Any club, individual, or the ASFA Board of Directors may prefer charges against (a) any individual convicted of animal cruelty or other comparable charges relating to the mistreatment of animals; or (b) any individual or club for misconduct prejudicial to the best interests of the ASFA, mistreatment of any sighthound, or unsportsmanlike conduct, provided that such misconduct, mistreatment, or unsportsmanlike conduct must have occurred on the trial premises during the trial hours of an ASFA-sanctioned lure trial, as to any charges preferred against non-ASFA officials. Charges preferred against ASFA officials can relate to conduct off the trial premises and outside of trial hours so long as such ASFA officials were then acting in their capacity and such misconduct directly affects the property, interests or reputation of the ASFA. Charges relating to events which occurred during trial hours must be made within 45 days of the trial in question. Charges against ASFA officials must be made within one year of the alleged incident. Charges relating to an animal cruelty (or comparable) conviction must be made within 5 years of the date of conviction.

*Rationale.* Concerns about a lack of statute of limitations were raised during the initial discussion on Proposal 3 at the 2007 ACoD, which are addressed in this proposal. The CRC recommends that this proposal be ACCEPTED.

**PROPOSAL #5**

**Article IX – Discipline**

**Section 5.** The complainant and the accused may each appear before the Board during the hearing. Such appearance may be in person or by written submission, or both. Each party is permitted to utilize the assistance of ~~an attorney a~~ counselor, either legal or non-legal, during the disciplinary process. Such ~~attorneys~~ counselors will be permitted to appear in an advisory or representative capacity at the hearing. The hearing shall be held by closed executive session of the Board unless both parties agree that it will be open. Deliberations of the Board on the charges after the close of the hearing will be in executive session unless the Board, by simple majority vote of the Board, agrees that the deliberations will be open. Before, during, or after those deliberations, the Board may, by simple majority vote, find that the conduct charged is outside the jurisdiction of ASFA discipline as set forth in Sections 1 and 2, above, and end its deliberations.

*Rationale.* Counsel during a disciplinary hearing should not be limited to strictly legal assistance (i.e. attorneys). The CRC recommends that this proposal be ACCEPTED.